

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IGOR BENOIT CASTANG, Petitioner, v. KATHERINE JEONG-EUN KIM, Respondent.	Civil Action Number 1:22-CV-5136-SCJ RESPONDENT'S ANSWER AND AFFIRMATIVE DEFENSES
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RESPONDENT'S ANSWER AND AFFIRMATIVE DEFENSES

COMES NOW Respondent, Katherine Jeong-Eun Kim (hereafter, "Kim" or "Mother"), and files Respondent's Answer and Affirmative Defenses, showing this Honorable Court as follows:

I. ANSWER

Preamble: Respondent denies the statements in the preamble of Petitioner Igor Benoit Castang's Verified Petition for the Return of the Minor Child (hereafter, "Petition").

1. This paragraph does not require an answer because it is not a factual allegation but a legal conclusion. To the extent that an answer is require, this paragraph stands DENIED.

2. DENIED.

3. This paragraph does not require an answer because it is not a factual allegation but a legal conclusion. To the extent that an answer is require, this paragraph stands DENIED.

4. DENIED.

5. Respondent has insufficient information to admit or deny this paragraph, which therefore stands DENIED.

6. ADMIT

7. DENIED.

8. DENIED.

9. DENIED.

10. DENIED.

11. DENIED.

12. DENIED.

13. DENIED.

14. Respondent has insufficient information to admit or deny this paragraph, which therefore stands DENIED.

15. DENIED.

16. DENIED.

17. DENIED.

18. DENIED.

19. DENIED.

20. DENIED.

21. DENIED.

22. Respondent ADMITS that there is a Court Order from 2021-SEP-09 (hereafter "Order-1"), which grants Mother custody of the Child, but DENIES the

remainder of this paragraph. Further, Respondent states that Order-1 expressly ruled that "[t]he child's habitual residence is that of his mother" (see, Doc. 1-14 at p. 12).

23. DENIED.

24. DENIED.

25. DENIED.

26. DENIED.

27. DENIED.

28. DENIED.

29. There is no factual allegation in this paragraph and therefore stands DENIED.

30. DENIED.

31. DENIED.

32. DENIED.

33. Respondent has insufficient information to admit or deny this paragraph, which therefore stands DENIED.

34. Respondent has insufficient information to admit or deny this paragraph, which therefore stands DENIED.

35. Respondent ADMITS that there is a Court Order from 2022-MAY-17 (hereafter "Order-2"), which grants Mother custody of the Child, but DENIES the remainder of this paragraph. Further, Respondent states that Order-1 ratifies the

prior ruling that "[t]he child's habitual residence is that of his mother" (Doc. 1-14 at pp. 13-14).

36. DENIED.

37. DENIED.

38. As there is no time or duration recited in this paragraph, Respondent ADMITS only that at some point during Respondent's life Respondent stayed in the home of Respondent's biological father located in Lilburn, GA 30047.

Otherwise, this paragraph is DENIED.

39. DENIED.

40. DENIED.

41. Respondent has insufficient information to admit or deny this paragraph, which therefore stands DENIED.

42. DENIED.

43. Respondent ADMITS only that Father kidnapped the Child in violation of both Order-1 and Order-2 when Father returned to France with Child without Mother's consent. Otherwise, this paragraph stands DENIED.

44. DENIED.

45. Respondent ADMITS only that Father has unsuccessfully attempted multiple times to modify the custody order (see Order-1 and Order-2) without success. Otherwise, this paragraph stands DENIED.

46. DENIED.

47. DENIED.

48. DENIED.

49. DENIED.

50. DENIED.

51. DENIED.

52. DENIED.

53. DENIED.

54. DENIED.

55. Respondent has insufficient information to admit or deny this paragraph, which therefore stands DENIED.

56. DENIED.

57. DENIED.

58. DENIED.

59. DENIED.

60. Respondent has insufficient information to admit or deny this paragraph, which therefore stands DENIED.

61. There is no factual allegation in this paragraph and therefore stands DENIED.

62. Respondent incorporates by reference the answers to all prior allegations and, to the extent required, this paragraph stands DENIED.

63. This paragraph does not require an answer because it is not a factual

allegation but a legal conclusion. To the extent that an answer is require, this paragraph stands DENIED.

64. ADMIT.

65. DENIED.

66. DENIED.

67. This paragraph does not require an answer because it is not a factual allegation but a legal conclusion. To the extent that an answer is require, this paragraph stands DENIED.

68. DENIED.

69. Respondent has insufficient information to admit or deny this paragraph, which therefore stands DENIED.

70. DENIED.

71. DENIED.

72. Respondent ADMITS that Child is located in the jurisdiction of the Northern District of Georgia and DENIES the balance of this paragraph.

73. DENIED.

74. DENIED.

75. This paragraph does not require an answer because it is not a factual allegation but a legal conclusion. To the extent that an answer is require, this paragraph stands DENIED.

76. Respondent has insufficient information to admit or deny this

paragraph, which therefore stands DENIED.

77. DENIED.

78. DENIED.

79. This paragraph does not require an answer because it is not a factual allegation but a legal conclusion. To the extent that an answer is require, this paragraph stands DENIED.

Relief Requested: Respondent DENIES all sub-paragraphs in Petitioner's Relief Requested.

II. AFFIRMATIVE DEFENSES

1. Petitioner's requested relief is barred by Petitioner's unclean hands.
2. Petitioner's requested relief is barred as a consequence of duress.
3. Petitioner's requested relief is barred under the doctrine of estoppel.
4. Petitioner's requested relief is barred for illegality.
5. Petitioner's requested relief is barred due to Petitioner's fraud.
6. Petitioner's requested relief is barred under the doctrine of laches.
7. Petitioner's requested relief is barred under the doctrine of acquiescence.
8. Petitioner's requested relief is barred under the doctrine of res judicata.
9. Petitioner's requested relief is barred under the doctrine of collateral

estoppel.

10. Petitioner's requested relief is barred because full faith and credit requires this Honorable Court to uphold the rulings from the French tribunals.

11. Petitioner's requested relief is barred under the doctrine of waiver.

12. The Petition fails to state a claim from which relief can be granted.

13. This Honorable Tribunal lacks subject-matter jurisdiction to award some or all of the relief requested by Petitioner.

14. This Honorable Tribunal lacks personal jurisdiction over Mother and Child.

15. Venue is improper in this Honorable Tribunal.

16. The Petition fails for improper service of process.

17. The Petition fails for improper process.

18. The Petition fails for failure to join a necessary and indispensable party.

Respondent reserves the right to amend Respondent's Answer and Affirmative Defenses.

Respectfully submitted, 2023-Jan-20.

/s/ Patricia K. Buonodono

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IGOR BENOIT CASTANG, Petitioner, v. KATHERINE JEONG-EUN KIM, Respondent.	Civil Action Number 1:22-CV-5136-SCJ CERTIFICATE OF COMPLIANCE PURSUANT TO LR 7.1D
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CERTIFICATE OF COMPLIANCE PURSUANT TO LR 7.1D

The undersigned counsel hereby certifies that **Respondent's Answer and Affirmative Defenses** has been prepared using one of the font and point selections approved in LR 5.1 NDGa.

Respectfully submitted, 2023-Jan-20.

/s/ Patricia K. Buonodono

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CERTIFICATE OF FILING AND SERVICE

Plaintiff certifies that **Respondent's Answer and Affirmative Defenses** was filed using the CM/ECF system, which will send notification of such filing to all counsel of record in this matter.

Respectfully submitted, 2023-Jan-20.

/s/ Patricia K. Buonodono

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